

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**MICHAEL A. CERVANTES**

**PLAINTIFF**

**v.**

**No: 3:20-cv-00236 DPM-PSH**

**JOYCE DOBBS, *et al.***

**DEFENDANTS**

**ORDER**

Michael Cervantes' motion to compel discovery in this case (Doc. No. 26) is denied without prejudice. Before filing a motion to compel discovery, Cervantes must attempt to confer with the defendants as required by Fed. R. Civ. P. 37(a)(1), (4); Local Rule 7.2(g). His motion does not indicate whether he has attempted to do so.

Additionally, the Court routinely stays discovery that is not related to the exhaustion of administrative remedies until any motions related to exhaustion have been filed and decided. The Prison Litigation Reform Act (PLRA) requires an inmate to exhaust prison grievance procedures before filing suit in federal court. *See* 42 U.S.C. §1997e(a); *Jones v. Bock*, 549 U.S. 199, 202 (2007); *Jones v. Norris*, 310 F.3d 610, 612 (8th Cir. 2002). Exhaustion under the PLRA is mandatory. *Jones v. Bock*, 549 U.S. at 211. The PLRA's exhaustion requirement applies to all inmate suits about prison life whether they involve general circumstances or particular

episodes, and whether they allege excessive force or some other wrong.” *Porter v. Nussle*, 534 U.S. 516, 532 (2002). Because exhaustion of administrative remedies is mandatory, it serves judicial economy to stay discovery that is not related to exhaustion until any motions regarding exhaustion are decided. For this reason, discovery that is not related to the issue of exhaustion is stayed until further order. Additionally, if defendants intend to pursue a defense that Cervantes failed to exhaust his administrative remedies before filing this lawsuit, it must be raised by motion for summary judgment no later than March 22, 2021.

IT IS SO ORDERED this 3rd day of February, 2021.



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UNITED STATES MAGISTRATE JUDGE